

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 4:14-mj-37
vs.)	EDTN Mag. No. 1:14-mj-267
)	
ALLEN CECIL FRY)	JUDGE CARTER

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on October 10 and 14, 2014, in accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure, on a Complaint and Warrant for Arrest out of the Northern District of Georgia at Rome. Those present for the hearing included:

- (1) An Assistant United States Attorney for the Government.
- (2) The defendant, ALLEN CECIL FRY.
- (3) Attorney Gene Shiles for defendant.

After being sworn in due form of law, the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Attorney Gene Shiles was APPOINTED to represent the defendant. It was ascertained defendant had been provided with a copy of the Complaint and Warrant for Arrest and had the opportunity of reviewing those documents with his attorney. It was determined defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

The government moved defendant be detained without bail pending a hearing in the Northern District of Georgia. Explanation of Rules 5 and 5.1 of the Federal Rules of Criminal Procedure were made to the defendant. The defendant requested a preliminary hearing and detention hearing in this district.

Detention Hearing and Preliminary Hearing - Proof

The AUSA called FBI Agent Micah Childers as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of the Agent Childers and U.S. Probation

Officer Candace Lindsey during the detention hearing and preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 21 U.S.C. § 841(a)(1) and 846, conspiracy to possess with the intent to distribute a controlled substance, committed in the Northern District of Georgia.
- (2) There is probable cause to believe the defendant committed the aforesaid offenses.
- (3) The proof the defendant committed the aforesaid offenses is strong.
- (4) There are no conditions nor are there any combinations of conditions which will reasonably assure the safety of the community.

Conclusions

It is ORDERED:

- (1) Defendant shall be DETAINED WITHOUT BAIL pending his transfer to the Northern District of Georgia at Rome.
- (2) The AUSA's motion to detain the defendant without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.
- (3) The U.S. Marshal shall transport defendant to the Northern District of Georgia at Rome for a hearing before U.S. Magistrate Judge Walter E. Johnson on a date to be determined once defendant is in said district's custody.

ENTER.

S / William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE